

Frequently Asked Questions

Know Your Power: Strikes

Purpose: To help union members understand the concept of striking

Format: Group discussion

Time: 10-20 minutes

Materials: 6-page handout



FAQ: Use this guide to walk members through important questions related to the planning and implementation of a strike against the employer

Union members have rights under the law, including the right to legally withhold our labor. Strikes are protected activities. Below are some common questions asked by union members, especially ones who have not experienced strikes.

FAQ: Basic Rights and Definitions

Q: What Is A Strike?

A strike is an organized work stoppage by union members.

Q: What Is The Difference Between Economic Strikes And ULP (Unfair Labor Practice) Strikes?

In an economic strike, the purpose of a strike is to obtain some economic concessions from an employer such as higher wages or better working conditions. In a ULP strike, the purpose of the strike is to protest unfair labor practices committed by the employer.

Q: How Will I Know What Type Of Strike We Will Have?

We will know when we vote on the strike. Keep in mind that a strike that begins as an economic strike can be converted into a ULP strike through the illegal actions of the employer.

Q: What Is A Lockout?

A lockout is when a strike has officially ended, and we have offered an unconditional offer to return to work, but the employer continues to use replacements, instead of calling everyone back to work right away.

Q: Will I Be Locked Out From My Job If I Go Strike?

Usually, it will be an unfair labor practice for an employer to lock out workers. However, often employers will do it anyway. For example, we may decide to strike for three days, and the employer may illegally lock us out for an additional two days.

FAQ: Patient Care

Q: If We Went On Strike, Who Would Take Care Of Our Patients?

Ultimately, going on strike may be the best way to take care of patients in the long term. We are required by law to give 10 days' notice of a strike so that the employer has time to arrange proper care for patients. A strike is a protected union activity and does not constitute abandonment of our patients because we will notify the employer well ahead of time.

Q: Should I Discuss The Strike With My Patients?

We may inform our patients, but we should not lobby them. We may provide factual answers or materials in response to patient questions regarding the strike, the issues, and how patients can help, but with no pressure, request, or expectation that they participate in or support the strike, the issues, and how patients can help—without pressure or expectations of support or participation.

Q: Do I Have The Right To Distribute Information To Patients And The Public On Kaiser Property?

Yes, per Section 7 of the [National Labor Relations Act](#). We must make sure not to interfere with patient care or conduct these activities in patient care areas. Kaiser knows this is the law. Please contact a UNAC/UHCP staff representative with any questions.

Q: How Does Bargaining Improve The Care We Give To Patients?

Bargaining gives us a voice in the work we do and the care we provide to our patients. Our contract includes language that influences safe staffing, patient safety, and budgeting for backfill and replacements. Our national and local agreements will guide any efforts to increase access to health care for our patients.

FAQ: The Bargaining Process**Q. Why Is It Important That We Stand Together As Co-Workers During Negotiations?**

When we stand together, we have power. Solid participation by our union members shows management and the public that we are united to achieve our goals. Unity means taking part in actions big and small, including:

- Sharing bargaining information on social media or changing our profile frames
- Wearing a sticker or button to work
- Signing a petition
- Joining an informational picket or vehicle parade outside of our work hours
- Striking to protect our patients and our profession

Q. Why Do I Keep Hearing My Co-Workers Talk About Going Out On Strike?

Kaiser Permanente management is stalling at the table. Our bargaining team has put forward proposals and recommendations that invest in patient care and health care professionals, with no concrete response from Kaiser. KP executives want to reduce costs—including wages and benefits, even while continuing to make billions in profits each year.

KP executives claim there is a financial threat to KP—but the real threat is to union members and our patients. If we decide to strike, it will be a result of KP's lack of investment in patient care and the health care workers that provide that care. Once we give up something, we'll never get it back.

Q. Why Go On Strike? Can't We Simply Continue To Negotiate?

If we settle for takeaways or reductions now, we will never get them back. We've got to give this negotiation everything we've got.

Registered nurses and health care professionals at KP have always approached the issue of striking seriously. We have had to stand up to management and say *no* in the strongest way—to protect our patients, our licenses, our practice and our contract. Patients are our top priority. We have made proposals to management that would keep high-quality health care and services intact and available.

Q: Will Our Union Continue To Negotiate With Management During A Strike?

Absolutely, our goal is to win the best possible contracts with the wages, benefits, and working conditions health care workers and patients deserve. All collective actions—including strikes—build the leverage necessary we need to negotiate the contracts we deserve.

FAQ: The Strike Process**Q: Why Should I Participate In A Strike?**

UNAC/UHCP members have taken escalating collective action as part of this campaign. A strike is our next step in fighting for respect from management and quality care for our patients. Solid strike participation in the strike vote and strike itself shows KP, the media, and the public that we are united. Staying home or crossing the picket line sends the message Kaiser Permanente can continue the path of cheapening care, risking our licenses, and undoing all the progress we've worked to build together.

Q: Can We Strike During A Pandemic?

Yes, nurses and other health care professionals throughout the United States have gone on strike during this pandemic to achieve fair contracts. While the President of the United States does have the ability to intervene in strikes that create a national emergency, this authority has not been used during COVID.

Q: Who Decides Whether We Go On Strike?

A. We all do. We would vote in a secret ballot to strike after getting an update on where negotiations stand with respect to our patient care goals, including:

- Access to health care
- Safe staffing
- Patient and workplace safety
- Investment in the people who provide care

If members vote to authorize a strike, bargaining team members will deliver notice to the employer—but only if, and when, we can achieve our patient care goals through a strike.

Q: What Is A 10-Day Notice, And Why Do We Have To Give One To Kaiser Permanente?

Once we vote to authorize a strike, we give our union leadership the direction to conduct a strike. Federal law requires our union to give Kaiser Permanente management a 10-calendar day notice of our intent to strike. The law requires this advance notice so that KP has the necessary time to prepare.

Q: How Long Does A Strike Last?

The truth is we don't know at this point. Our bargaining team will recommend the length of a strike. When 24,000 UNAC/UHCP members vote YES to strike, the message to the employer is very powerful. Just imagine even one day at Kaiser Permanente without any registered nurses, therapists or pharmacists?

Q: When Is The Strike Scheduled To Start?

The strike will be scheduled to begin after a strike vote and at least 10 days after we give required notice to Kaiser Permanente. The date and time will be widely circulated to our members.

Q: When Will Kaiser Permanente Be Notified?

Kaiser Permanente and the appropriate government agencies will be notified at least 10 days before the strike date.

Q: Can I Get In Trouble Or Fired For Going On Strike?

Federal law protects our right to strike. Specifically, Section 7 of the [National Labor Relations Act](#) states in part, "Employees shall have the right. . . to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection." Strikes are protected concerted activities.

We cannot be terminated for going on strike.

Q. Can I Lose My Job If I Strike?

We cannot be terminated for going on strike. Although we may be permanently replaced with rehire rights if the strike is an economic strike.

Q: Can My Position Be Permanently Replaced If I Go On Strike?

Legally it depends on the type of strike:

Economic strike: We cannot be terminated, but we can be permanently replaced. However, we would be entitled to be placed on a reinstatement list

ULP strike: We cannot be terminated and cannot be permanently replaced but may be temporarily replaced. However, ultimately, we must be reinstated.

Keep in mind that unity is our best defense. It would be virtually impossible for Kaiser Permanente to permanently replace all 24,000 UNAC/UHCP registered nurses and health care professionals.

Q. What Can I Do To Prepare For A Strike?

The more visible actions we take together leading up to a strike, the more likely we are to win the contract we deserve without having to strike.

We can actively participate in our campaign by attending meetings, participating in solidarity actions such as wearing buttons, attending town halls or rallies, and by signing and circulating our unity petition: unacuhcp.org/invest-in-care. We can also make the short-term sacrifice of a strike easier on ourselves and our families by picking up extra shifts now.

Q: Do I Get Paid During A Strike Or Lockout?

No, this is part of the reason why a strike is a tactic of last resort.

Q: Can I Call Out Sick During A Strike?

No, we should not call out sick. Sick time can be only used for legitimate medical uses.

Q: Can I Use Vacation Or PTO During A Strike?

No, we cannot. There is one exception: If we requested and were granted vacation (without knowing) during the time a strike is called or will be in effect, we are still entitled to our vacation—even if we picket during our vacation. The employer can only cancel such a vacation, according to our contract.

Q: What Happens If I Am On A Leave (Personal, Medical, FMLA, Maternity/Parental) During The Time A Strike Is Called?

If we are on this type of leave during a strike, we will likely not be considered “on strike.”

Q: What Happens To Disability Pay Or Workers Comp During A Strike?

Disability pay or workers compensation payments cannot be discontinued if we are collecting these at the time of a strike. Employees collecting disability pay must be careful in deciding to picket—the employer could use our actions to discontinue benefit payments on the basis that we are no longer disabled. Please consult a UNAC/UHCP staff representative with specific questions related to these issues.

Q: What Happens to My Medical/Health Insurance Benefits?

Kaiser Permanente will likely maintain medical/health coverage until the last day of the month in which the employer has already paid—usually the end of the month for which you have worked at least one day. Kaiser can terminate employees' health insurance during a strike. The organization has to provide you with a COBRA notice and allow employees the opportunity to continue coverage by paying the cost of that coverage. Under the [Affordable Care Act](#), employees can purchase a plan on the exchange if coverage is terminated. Kaiser would also have to deal with the probable extreme public backlash to it terminating medical/health insurance benefits for its own frontline health care employees during another surge in the COVID pandemic.

Q: Does Management Have The Right To Ask If I Intend To Strike Or Not?

We do not have to tell management of our intent to either strike or cross the picket line. We do not have to answer, if asked. We can simply say *“I am standing with my co-workers.”*

It is unlawful for our manager to ask us further questions about our plans or to discourage us from participating in the strike. If you get such questions, please contact a UNAC/UHCP staff representative. UNAC/UHCP can follow up and make sure that the harassment stops.

Q: What If My Manager Asks Me, For Scheduling Purposes, Whether I Am Coming To Work?

The best answer is, *“No. I am standing with my co-workers in order to win the best possible contract.”*

However, legally, we do not have to answer. It is unlawful for our managers to ask us further questions about our plans or to discourage us from participating. If they do so, please document the conversation and notify a UNAC/UHCP staff representative or steward right away.

Q: Must I Personally Notify My Manager That I Won't Be Coming To Work On The Day Of The Strike?

No. Our delivery of the legal 10-day notice will inform Kaiser Permanente that all UNAC/UHCP bargaining unit members will not be reporting to work. There is no need to call in.

Q: What Happens If I Cross The Strike Line To Work?

Our ability to win a fair contract depends on our unity. Every registered nurse or health care professional who crosses the picket line weakens our ability to fight for our patients, our profession, and the contract we deserve.

Q: Can My Family And Friends Join Me On The Picket Line?

Absolutely. This is the best time for the community to show their support for health care workers. However, please follow any and all social distancing protocols at our events, which may include other ways for friends, family, and patients to support us.

Q: Will Night Shift Workers Be Walking The Picket Line At Night?

All 24,000 members of UNAC/UHCP who work for Kaiser will have the responsibility to take shifts on our strike line. When our bargaining team deems it necessary to officially call for a strike, we will have lots of informational meetings about how, when, and where to sign up for shifts.

Q: What If I Am Scheduled To Work The Night Shift Before The Strike Begins?

Go to work as scheduled. At the designated time give report, stop working, and clock out. Then join co-workers on one of the picket lines.

Q: Can I Strike If I'm Per Diem, Or Still In My Probationary Period?

Yes. Federal law protects all workers ability to strike. Everyone should honor the picket line.

Q: Can I Strike If I Am Not A Member Of UNAC/UHCP (I Am An Beck Objector/Agency Fee Payer)?

Yes, we can still strike, and we are still protected by federal law.

Q: Can The New Physicians Assistants (Baldwin Park & Downey) Go On Strike?

Likely yes. We will give the PAs at Baldwin Park and Downey additional information closer to a strike date to make sure they are protected.

Q. Can Members Of KPASCO (Optometrists) and UNHCEH (Maui Health) Go On Strike With Us??

No, they cannot. KPASCO members are under a current collective bargaining agreement that forbids striking during the term of the contract, which expires on February 28, 2022. UNHCEH (Maui Health) members are under a current collective bargaining agreement that does not expire until September 30, 2024. We can still take action to stand in solidarity with fellow UNAC/UHCP members but must do so on off-work hours..



**Contact Your UNAC/UHCP
Staff Representative**

<https://unacuhcp.org/affiliates>